



California Regional Water Quality Control Board

Los Angeles Region

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320 W. 4th Street, Suite 200, Los Angeles, California 90013

Phone (213) 576-6600 FAX (213) 576-6640 - Internet Address: <http://www.swrcb.ca.gov/rwqcb4>

TO: Interested Persons

FROM: Renee DeShazo *Renee DeShazo*

DATE: November 13, 2001

SUBJECT: 2002 UPDATE OF FEDERAL CLEAN WATER ACT SECTION 303 (d) LIST OF IMPAIRED WATERS

A public workshop is planned for November 19, 2001, to discuss the 2002 update of the federal Clean Water Act section 303(d) list of impaired waters for the Los Angeles Region. The objective of the 303(d) list is to regularly identify those water bodies that are not attaining water quality standards. This is achieved by conducting a regional water quality assessment, following U.S. EPA guidelines for preparing water quality assessments (also known as 305(b) reports). Staff of the Los Angeles Regional Water Quality Control Board (Regional Board) will present recommendations for new listings and de-listings and individuals will be given the opportunity to comment and ask questions regarding the recommendations.

Public Workshop:
Discussion of 2002 Update of 303(d) List of Impaired Waters
 Monday, November 19, 2001, 1:00 p.m. to 3:30 p.m., at the
 Metropolitan Water District
 Committee Room 1-102, 1st Floor
 700 N. Alameda Street
 Los Angeles, CA

All attendees must check in at the security desk. Parking is available at Union Station.

Regional Board staff will present the final recommendations for new listings and de-listings to the Regional Board as an Information Item at the regularly scheduled Board meeting on November 29, 2001.

Regional Board Meeting:
Information Item on 2002 Update of 303(d) List of Impaired Waters
 Thursday, November 29, 2001, 9:00 a.m., at the
 Richard H. Chambers U.S. Court of Appeals Building
 125 S. Grand Avenue
 Pasadena, CA

Staff recommendations will then be forwarded to the State Water Resources Control Board for approval. Should you be aware of interested persons who have not received this notice, please extend an invitation to them to participate in the workshop. We look forward to your continued participation in our efforts to protect water quality. Should you have any questions, please call Renee DeShazo at (213) 576-6783 or Tracy Patterson at (213) 576-6661.

California Environmental Protection Agency

The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy consumption
 For a list of simple ways to reduce demand and cut your energy costs, see the tips at: <http://www.swrcb.ca.gov/news/echallenge.html>



Our mission is to preserve and enhance the quality of California's water resources for the benefit of present and future generations.

Sign In Sheet

<u>Name / Title</u>	<u>Phone</u>	<u>Email</u>	<u>Company</u>
Paterson, Environmental Scientist	(213) 576-6661	tpaters@rb4.swrcb.ca.gov	RWQCB-LA
VACHI AMAH, WRCE	(213) 576-6685	gamah@rb4.swrcb.ca.gov	RWQCB-LA
Sa Carlson Env. Sci	(213) 576-6690	lcarlson@rb4.swrcb.ca.gov	"
sd Collins, Env. Scientist	(213) 576-6691	rcollins@rb4.swrcb.ca.gov	RWQCB-LA
Stephanie Foley	(949) 493-8466	mgfconsulting@home.com	SCEP
Yoshihiro Minamide	(310) 648-2836	tjminamide@san.ci.la.ca.us	City of LA
layton Yoshida	710 648-5164	cy4@san.ci.la.ca.us	City of LA
gerald Mc Gowen	310 648-5111	gem@san.ci.la.ca.us	City of LA
WAS DOJIRI	(310) 648-5610	md@san.ci.la.ca.us	CITY OF LA
SHROUZEH SANIEI (Engineer)	(310) 648-5239	SSaniei@san.ci.la.ca.us	City of LA
Andrew Jirik Env. Specialist	310-732-3914	ajirik@portla.org	Port of Los Angeles
at Bar	562 833 7411		"
leather Lamberson	(562) 699-7411	hlamberson@lacsos.org	LACSD
ctor Bordas	(562) 904-7114	hbordas@downeyca.gov	City of Downey
TACY Jordan / SCEA	626 458-4333	Sjordan@dpw.co.la.us	LA DPW
ING T. HUA / SUP. CAD. ENGR	(626) 458-4324	bhua@LADPW.org	LACDPW
U HARDIN / CEA	(626) 458-3543	jhardin@LADPW.org	LACDPW
ESLIE MINTZ, BQ	310 453 0395 ext 115	emintz@healththebay.org	HTB
JENNY NEWMAN, Env. Sci.	(W3) 576-6800	jnewman@rb4.swrcb	RWQCB-LA
das Boyce / P.W. Dir.	310/952-1700 x1125	kboyce@carson.ca.us	City of Carson
th Hopkins / Civil Eng. Assn	310/952-1700 x3529	thopkins@carson-ca.us	City of Carson
Bill Sheets / Operations Dept	805-646-5546	RENNIE SHEETS @ Ojai SAN. ORG	Ojai Valley San Dist
QUEENIE LAMBRIGHTS	562-908-6449	SANGABRIELRIVER@ed.com	FRIENDS OF THE SAN GABRIEL RIVER
Michael Lyons	818-516-6718	Sangabrielriver@ed.com	LARWQCB
Lizakata Ericksen	213 576 6683	mlyons@rb4.swrcb.ca.gov	LARWQCB
Samuel Unger	213-576 6784	sunger@rb4.swrcb.ca.gov	LARWQCB
Melinda Becker	213-576-6681	mbecker@rb4.swrcb.ca.gov	" "
Dee DeShazo	213-576-6783	rdeshazo@rb4.swrcb.ca.gov	" "

Update of 1998 303(d) List of Impaired Waters

**Public Workshop
November 19, 2001**

Update Process

- ✓ Data solicitation
 - ✓ Fall 2000
 - ✓ Spring 2001
- ✓ Presentation on methodology at Board meeting (May 31, 2001)
- ✓ Subsequent presentations to stakeholder groups
- ✓ Public workshop to present proposed new listings and de-listings
- ✓ Presentation to Regional Board on Nov. 29

Status

- ✓ November-December 2001
 - ✓ Finalize 303(d) recommendations
 - ✓ Finalize 305(b) report
 - ✓ Submit recommendations to State Board along with comments received

Assessment Guidelines

- ✓ U.S. EPA guidelines (EPA-841-B-97-002B, 1997)
- ✓ Regional guidelines where EPA guidelines don't exist
 - ✓ Basin Plan objectives (toxicity) and
 - ✓ Assessment approaches of state monitoring programs (sediment, bioaccumulation, benthic community)
 - ✓ Weight-of-evidence

Relationship between 305(b) and 303(d)

- ✓ 305(b) Water Quality Assessment
 - ✓ Regional assessment of water quality,
 - ✓ to determine degree of beneficial use support of water bodies
 - ✓ Fully supporting beneficial uses
 - ✓ Fully supporting but threatened
 - ✓ Partially supporting
 - ✓ Not supporting
- ✓ 303(d) List of Impaired Waters
 - ✓ Waters that are *fully supporting but threatened*, *partially supporting* or *not supporting* beneficial uses

Assessment Guidelines

- ✓ Conventional pollutants & stressors (e.g., dissolved oxygen, pH, TDS, chloride)
 - ✓ "Fully supporting" if ≤10% of samples exceed water quality standard
 - ✓ "Partially supporting" if 11-25% exceed
 - ✓ "Not supporting" if >25% exceed
- ✓ Relevant beneficial uses:
 - ✓ Aquatic Life, Agriculture, Waterbody specific objectives

Assessment Guidelines
(continued)

- ✓ Toxic Substances (e.g., priority pollutants, ammonia)
 - ✓ Fully supporting if no more than 1 violation of chronic criteria, and no more than 1 violation of acute criteria within a 3-year period (based on grab or composite samples)
 - ✓ Partially supporting if criteria exceeded more than once but in ≤10% of samples
 - ✓ Not supporting if criteria exceeded in >10%
- ✓ Relevant beneficial use: Aquatic Life

Assessment Guidelines
(continued)

- ✓ Drinking Water (MUN)
 - ✓ Fully supporting: Contaminants do not exceed water quality standards
 - ✓ Fully supporting but threatened: Contaminants exceed water quality standards >10%
 - ✓ Partially supporting: Median concentration of contaminants exceeds standard

Assessment Guidelines
(continued)

- ✓ MUN (continued)
 - ✓ Potential MUN as designated under SODW assessed using Title 22 Primary MCLs only
 - ✓ Other Existing or Potential MUN assessed using Title 22 and CTR human health criteria

Assessment Guidelines

(continued)

- ✓ Bacteria objectives for recreation
 - ✓ Coliform data
 - ✓ Partially supporting: Threshold limit exceeded
 - ✓ >10% samples exceed 400 fecal coliforms/100 ml
 - ✓ >20% samples exceed 1,000 total coliforms/100 ml (marine water only)
 - ✓ Not supporting: Geometric mean exceeded
 - ✓ Beach postings
 - ✓ Not supporting: beach was posted >10% of days annually
 - ✓ Beach closures
 - ✓ Partially supporting: On average, 1 closure/year of < 1 week's duration
 - ✓ Not supporting: More than 1 closure/year, or on average, 1 closure/year > 1 week's duration

Assessment Guidelines

(continued)

- ✓ Fish and shellfish consumption
 - ✓ Fully supporting: No restrictions or bans
 - ✓ Partially supporting: Restricted consumption
 - ✓ Not supporting: "No consumption" ban

Assessment Guidelines

(continued)

- ✓ Other guidelines will be used where EPA guidance does not exist
- ✓ The following guidelines were used:
 - ✓ Sediment chemistry
 - ✓ Effects Range-Median/Probable Effects Level guidelines
 - ✓ Fish tissue contamination
 - ✓ Maximum Tissue Residual Levels (MTRLs)
 - ✓ Benthic community
 - ✓ Relative Benthic Index

Assessment Guidelines

(continued)

- ✓ Water column toxicity
 - ✓ Weight of evidence; focus on recurring consistent/persistent toxicity
 - ✓ Look for both acute and chronic toxicity

Assessment Guidelines

(continued)

- ✓ Minimum of 10 data points for a waterbody segment over the assessment period (1997 to present) for water chemistry and bacteriological data
- ✓ No minimum data requirements for water column toxicity, habitat assessment, sediment chemistry/toxicity, bioaccumulation or benthic community – weight-of-evidence approach

Assessment Results

Watershed	New Listings		Delistings		Total changes		Net change
	Water column	Time/Sed	Water column	Time/Sed	to 303(d) List	to 303(d) List	
Balboa Creek	6	0	0	0	6	14	-7
Los Angeles River	10	4	0	0	4	18	10
San Gabriel River	6	0	1	2	5	9	-3
Santa Clara River	13	0	0	1	12	14	-2
Malibu Creek	1	0	0	0	1	7	-6
Venture River	3	3	0	0	6	15	-9
Calleguas Creek	23	19	7	33	16	82	-66
LA County Coastal	2	14	0	12	10	28	-18
Venture County Coastal	7	8	0	4	3	19	-16
Total	73	47	8	79	208	208	34

New Listings: Water Column

- Bacteria (20)
- Metals (19)
- Nitrogen & its effects (14)
- Chloride, TDS, Sulfate (12)
- pH (3)
- Sedimentation (Calleguas Creek Watershed, 8 reaches)
- Other (3) (trash, toxicity, unnatural foam/scum)

New Listings: Sediment, Tissue, Benthic Community

- ✓ Tissue (22)
 - ✓ (chlordane, lindane, dieldrin, PCBs, toxaphene)
- ✓ Sediment chemistry (19)
 - ✓ (chlordane, dieldrin, PCBs, some metals)
- ✓ Benthic community degradation (3)
- ✓ Sediment toxicity (3)

Delistings

- | | |
|----------------|-------------------------|
| ➤ Water column | ➤ Tissue (72) |
| ➤ D.O (3) | ➤ Sediment (5) |
| ➤ Boron (2) | ➤ Benthic community (1) |
| ➤ Toxicity (2) | |
| ➤ Trash (1) | |

TMDL Analytical Units

- ✓ 8 New TMDL Analytical Units based on Proposed New Listings
 - ✓ Calleguas Creek Bacteria
 - ✓ Ballona Creek pH
 - ✓ Avalon Beach Beach Postings
 - ✓ San Gabriel River Estuary Trash
 - ✓ McCoy Canyon Creek (LA River) Nitrate
 - ✓ Santa Clara River Salts
 - ✓ Los Cerritos Channel Sediment Toxicity
 - ✓ Ventura River Bacteria

TMDL Analytical Units to be Removed based on Proposed Delistings

Analytical Unit	Waterbody	Pollutants
14	LA River Reach 5	Chlorpyrifos
18	LA River Reach 5	Chrom
27	Port Huamane Harbor	Pb/Cd
28	Port Huamane Harbor	Zinc
30	Port Huamane Harbor	TBT
38	East Fork San Gabriel River	Trash
61	Washita Lake and Malibu Lake	Chlordane, PCBs
70	Bakers Creek/Marina del Rey	TBT
79	LA Harbor	TBT
87	Ventura River Estuary	DDT
90	Ventura River Reaches 1&2	Copper, Zinc, Silver
92	Ventura River Reach 2	Selenium

Staff Contacts

- LA River/Ballona Creek
 - Ginachi Amah 213-576-6685
- San Gabriel River/Malibu Creek
 - Rod Collins 213-576-6691
- Santa Clara River
 - Elizabeth Erickson 213-576-6683
- Calleguas Creek/Misc. Ventura Coastal
 - Lisa Carlson 213-576-6690
- Ventura River
 - Tracy Patterson 213-576-6661
- Toxicity
 - Shirley Birosik 213-576-6679
- Sediment, Tissue and Bioaccumulation Data
 - Michael Lyons 213-576-6718

In Re: Update of 1998 303(d) List of Impaired Waters * November 19, 2001**

Kennedy Court Reporters, Inc.

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JOB #:

WQLI576

**CONDENSED TRANSCRIPT AND CONCORDANCE
PREPARED BY:**

**KENNEDY COURT REPORTERS, INC.
920 W. 17th Street
Suite D
Santa Ana, CA 92706
Phone: (800) 231-2682**

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1 CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
2 LOS ANGELES REGION

7 In re:)
8 Update of 1998 303(d) List of)
9 Impaired Waters Public Workshop)

15 TRANSCRIPT OF PROCEEDINGS
16 Los Angeles, California
17 Monday, November 19, 2001

25 Reported by:
26 FAUSTO G. PEREZ
27 CSR No: 12234

28 Job No.:
WQL1576

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1 CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
2 LOS ANGELES REGION

5 In re:)
6 Update of 1998 303(d) List of)
7 Impaired Waters Public Workshop)

15 TRANSCRIPT OF PROCEEDINGS, taken
16 at 700 North Alameda, 1st Floor,
17 Community Room 102, Los Angeles,
18 California, commencing at 1:23 p.m.,
19 on Monday, November 19, 2001, reported by
20 FAUSTO G. PEREZ, CSR No. 12234, a Certified
21 Shorthand Reporter in and for the State of
22 California.

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1 APPEARANCES:
2 Los Angeles Regional Jonathon Bishop
3 Water Quality Control Tracy Paterson
4 Board: Ginachi Anah
Lisa Carlson
5 Rod Collins
Elizabeth Erickson
6 Samuel Unger
Melinda Becker
7 Renee DeShazo
Jenny Newman
Deborah Smith
8 Southern California Mary Jane Foley
9 Association of POTW's:
10 City of Los Angeles: Traci Miramide
Clayton Yoshida
Gerald McGowen
11 Mas Dojiri
Shahrouzeh Saneif
12 Port of Los Angeles: Andrew Jirik
13

NOTES

Los Angeles County Heather Lamberson
14 Sanitation District: Beth Bax
15 City of Downey: Hector Borda
16 Los Angeles Department Stacy Jordan
Of Public Works:
17
Los Angeles County Jan Hardis
18 Department of Public Works: Bing T. Hua
19 HTB: Leslie Mintz
20 City of Carson: Ken Boyce
Travis Hopkins
21
Ojai Valley Sanitation: Ronald Sheets
22
Friends of the Jacqueline Lambricuts
23 San Gabriel River:
24 Los Angeles River Water Michael Lyons
Quality Control Board:
25
Las Virgenes Municipal Randal Orton
26 Water District:
27
28

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EXHIBITS

(NONE)

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1 Los Angeles, California, Monday, November 19, 2001
2 1:23 p.m.
3
4
5 MR. BISHOP: Good afternoon, folks. My name for
6 the record is Jonathan Bishop, and I'm the chief of the
7 Regional Program Section of the Los Angeles Regional
8 Board.
9 This afternoon we're going to have an
10 informal meeting to kind of give you all a heads-up on the
11 303(d) listing and delistings that we're proposing.
12 If you haven't already, we have copies by
13 Watershed of the fact sheets and the proposed listings and
14 the delistings on the side table. In just a minute, Renee
15 DeShazo, the staff person in charge, is going to give a
16 presentation on the report.
17 This meeting here is an opportunity for you
18 to ask us questions about any of the listings or
19 delistings or general comments on the listings. And then
20 we are scheduled on the November 29th board meeting to
21 have an information item for our Board, and then we'll be
22 submitting to the State Board our recommendations plus any

NOTES

23 comments we receive from anyone, along with any
24 preliminary responses that we have to Sacramento.
25 They will be taking the official action of
26 adopting the list from all the regions at one time this
27 spring. We don't have a date on that yet for you. So I
28 think I will turn it over to Renee now, and we'll get

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1 started.
2 MS. DESHAZO: Thank you all for coming. The first
3 thing that I want to let you know is we're going to pass
4 around a sign-in sheet. And I'd like you all to make sure
5 that you sign in for our records as well as for the court
6 reporter, so we'll have a record of everybody's name,
7 title, and organization.
8 What I would like to do with the presentation
9 is first of all go over the assessment methodology that
10 we've used for the update of the 303(d) list. And after I
11 do that, then I will summarize basically the findings, the
12 new listings that we're proposing and the delistings that
13 we're proposing. I'm not going to go into a lot of detail
14 about each individual listing because it would go well
15 beyond the time we have allotted for the listings and the
16 delistings. But then we will open it up, and you'll have
17 an opportunity to ask us questions both about the
18 methodology as well as about specific listings if you'd
19 like.
20 We understand that you haven't had the time
21 to review the fact sheets yet, but you will have some time
22 before the board meeting now to review the fact sheets as
23 well as to prepare comments that we would then submit
24 to the State Board as Jon stated. So let me go ahead
25 and start.

26 Next slide please.
27 Basically for the 303(d) update for 2002, the
28 process that we undertook is to first do two data

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1 solicitations. The first was done in the fall of 2000 and
2 was targeted to agencies that we knew collected a large
3 amount of data on the waterbodies in our regions. The
4 second was in the spring of 2001 and that was to our
5 entire basin plan mailing list which at the time was about
6 1,200 agencies and organizations and also individuals.
7 On May 31st some of you may have been at the
8 special board meeting that we had at which we presented as
9 an information item the assessment methodology that we
10 were planning on using for the 2002 update.
11 And then we've also held subsequent
12 presentations to stakeholder groups, and specifically we
13 held two presentations for SCAP, the Southern California
14 Association of POTWs. I want to again go over the
15 assessment methodology in the second one to present some
16 primary results from just a couple of weeks ago.
17 And then we're having this public workshop
18 today. And again as Jon stated, we're going to give a
19 presentation to the Regional Board as an information
20 item on November 29th, and at that point we'll compile
21 the whole package together along with comments, and
22 we'll forward those up to State Board which will be the
23 final adopting authority for the whole state.
24 Next slide please.

25 So basically the status as of right now as I
26 was saying is to finalize the 303(d) recommendations which
27 you basically have in front of you and also to finalize
28 the 305(b) report. And in just a minute I'll tell you the

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1 relationship between the 305(b) report and the 303(d)
2 list; and then, again, to submit recommendations to the
3 State Board along with any comments that we receive.
4 Next.
5 So basically in terms of the assessment
6 guidelines that we used, we follow primarily U.S. EPA's
7 assessment guidelines for completing 305(b) reports.
8 305(b) reports are essentially regional water quality
9 assessments to determine what beneficial uses are being
10 supported or not supported.
11 There were some situations where U.S. EPA
12 guidelines did not exist; for example, for tissue data,
13 for sediment chemistry and sediment toxicity data,
14 There are not very detailed U.S. EPA guidelines. So in
15 these cases the Regional Board developed guidelines on
16 the basis of state monitoring programs that we have that
17 were sediment, bioaccumulation, and benthic community.
18 And we also did use a weight-of-evidence approach for some
19 of these data types where we didn't have guidelines from
20 the U.S. EPA.

21 So briefly to go over the relationship
22 between the 305(b) report and the 303(d) list. The 305(b)
23 water quality assessment is something that's required by
24 the Federal Clean Water Act; and essentially, as I said,
25 it's a regional assessment of water quality. And the
26 point of that is to determine the beneficial uses that are
27 being supported for the waterbodies in the region.

28 Beneficial uses being things like aquatic life, water

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1 contact recreation, fish consumption, municipal drinking
2 water supplies, that sort of thing.
3 And so for the 305(b) report what we do is we
4 look at the water quality standards that we have for the
5 region, and we determine for each beneficial use whether
6 it's fully supporting, partially supporting or not
7 supporting, and we also have a category for fully
8 supporting but threatened.

9 And then the 303(d) list, essentially we do
10 that 305(b) report, and then from that any waters that are
11 fully supporting but threatened, partially supporting or
12 not supporting are considered impaired per 303(d), Section
13 303(d) of the Clean Water Act. And then those are the
14 waters that then get on the 303(d) list and for which we
15 do TMDLs.

16 Next.
17 So let me go over the assessment guidelines
18 that we used for various types of data at this point. And
19 I realize some of you have heard this in previous
20 presentations but for the benefit of those who may have
21 not heard it, I'll go over it again.
22 For conventional pollutants and stressors
23 such as dissolved oxygen, pH, TDS, and chloride, the
24 beneficial uses we looked at were aquatic life,
25 agriculture, and then we also had some waterbody specific
26 objectives in the basin plan. And we considered those

27 beneficial uses or those objectives met if less than or
28 equal to 10 percent of samples exceeded the water quality

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1 standards. It was considered partially supporting if
2 11 to 25 percent exceeded, and then not supporting if
3 greater than 25 percent of measurements exceeded.
4 And let me just mention at this point a
5 couple other things which is, first of all, we looked at
6 waterbody segments or regions. So once we gathered all
7 the data together, we put all the data for one waterbody
8 segment into one data set. And when we did the
9 evaluations for various pollutants, we looked at all the
10 data that was available for that particular waterbody
11 segment for the assessment period that we looked at,
12 which was July 1997 to the present. So that's generally
13 how we looked at the data.
14 Next slide please.
15 For toxic substances, for example, priority
16 pollutants and the California toxic rule or CTR or
17 ammonia, it was fully supporting if there was no more than
18 one violation of the chronic criteria, and no more than
19 one violation of the acute criteria within the three-year
20 period generally that we looked at from July '97 to the
21 most recent data that was submitted to us. And when we
22 were looking at CTR criteria and ammonia, we did use grab
23 samples to evaluate compliance with the water quality
24 objectives. It was partially supporting if the criteria
25 exceeded more than once but in less than or equal to
26 10 percent of samples, and then not supporting if the
27 criteria was exceeded in greater than 10 percent of
28 samples. And for those the relevant beneficial use is

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1 aquatic life.
2 Next.
3 For the drinking water beneficial use, the
4 way we assessed this is it was fully supporting if all of
5 the contaminants did not exceed the water quality
6 standards. We considered it fully supporting but
7 threatened if the contaminants exceeded water quality
8 standards greater than 10 percent of the time, and
9 partially supporting if the median concentration of the
10 contaminants exceeded the standard. So it was a
11 slightly different approach for the MUN beneficial use.
12 Okay.
13 And just to briefly state, the reason for
14 this potential MUN that was designated under the source of
15 the drinking water policy was assessed using Title 22
16 primary MCLs only. And the reason for this is because
17 we're in the process of developing a longer term policy
18 for dealing with MUN. And we felt like at this point it
19 was most appropriate to look at Title 22 standards. Other
20 existing or potential MUN uses were assessed using
21 Title 22 and the California Toxics Rule Human Health
22 Criteria.
23 Okay.
24 For recreational uses, the primary data that
25 we looked at was bacteriological data. And we looked at
26 several different aspects of that. The first was the
27 actual monitoring data that we had on total and fecal
28 coliform, and we considered the use partially supporting

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1 if the threshold limit was exceeded. And there are
2 actually two threshold limits for bacteria.
3 We looked at both the basin plan as well as
4 the California ocean plan for beaches. And for fecal
5 coliform, the threshold limit is greater than 10 percent
6 of samples exceeding 400 fecal coliforms per 100
7 milliliters. And for the California ocean plan on total
8 coliform, the threshold limit is greater than 20 percent
9 of samples exceeding 1000 total coliforms per 100
10 milliliters. And we considered it not supporting if the
11 geometric mean limits were exceeded. So for both fecal
12 coliform and - actually, only fecal coliform has a
13 geometric mean limit, but if it exceeded that limit, it
14 was not supporting.
15 For beach postings, and basically a beach is
16 posted if it exceeds any of the AD411 bacterial indicator
17 thresholds, and there are four of those; there's total
18 coliform, fecal coliform, enterococcus, and total-to-fecal
19 ratio. And if those collectively were exceeded more than
20 10 percent of days annually, then the beach was considered
21 not supporting due to beach postings.
22 And then finally we looked at beach closures,
23 and a beach was considered partially supporting if there
24 was one closure per year of less than a week. Or it was
25 not supporting if there was more than one closure per year
26 or the closure was greater than a week in duration.
27 Then for fish and shellfish consumption,
28 another beneficial use that we looked at, we primarily

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1 looked at fish consumption advisories as published by
2 OEHHA which is the Office of Environmental Health Hazard
3 Assessment, the state office; and it was fully supporting
4 if there were no restrictions or bans on any species,
5 partially supporting if there were some restricted
6 consumption for some species, and not supporting if there
7 was a "no consumption" ban on any species.
8 Next.
9 As I stated, there were other guidelines that
10 we developed where EPA guidance did not exist for
11 determining whether or not a waterbody was impaired; and
12 in general, the following guidelines were used:
13 For sediment chemistry we looked at the
14 effects range-median or the probable effects level
15 guidelines. And these are guidelines that have been used
16 in state monitoring programs in California. For fish
17 tissue contamination, we look at maximum tissue residual
18 levels or MTRLs. Again, this is something that's been
19 used in state monitoring programs in California. And then
20 for the benthic community, we looked at the relative
21 benthic index. And again this is something that's been
22 used statewide through the Bay Protection and Toxic
23 Cleanup Program.
24 Next.
25 For water column toxicity, we used a
26 weight-of-evidence approach. We only have one proposed
27 new listing and two proposed delistings related to
28 toxicity. And we focused on recurring or consistent and

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1 persistent toxicity. So we looked at both acute and

NOTES

2 chronic toxicity and tried to see if there was a very
 3 consistent trend of toxicity in samples for a particular
 4 waterbody segment.
 5 Next.
 6 So finally I just want to also state that in
 7 the assessment, particularly for water chemistry and
 8 bacteriological data, we did require a minimum of 10 data
 9 points for a waterbody segment over the assessment period
 10 of 1997 to the most recent data that was submitted to us.
 11 And for the other data such as the sediment
 12 chemistry, sediment toxicity, bioaccumulation and benthic
 13 community data, we did not have a minimum number of data
 14 points that were required. We viewed these data types as
 15 more integrators and less likely to fluctuate over time.
 16 So, again, we used a weight-of-evidence approach in this
 17 case. There were no situations where we used less than
 18 two samples, and we also did not base any listings on
 19 sediment chemistry alone but tried to use multiple data
 20 types in that situation to indicate impairment.
 21 Next.
 22 So to get to the actual assessment results,
 23 let me look up here. This gives you a summary of the new
 24 listings by Watershed. It gives a summary of the new
 25 listings by Watershed and delistings by Watershed, and
 26 I've broken it up by water chemistry and bacteriological
 27 data as well as then the other column that you see there
 28 is for tissue data and sediment chemistry and sediment

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1 toxicity data. That actually also includes a few new
 2 listings or delistings based on benthic community as well.
 3 So you can see that the majority of the -
 4 well, the majority of the new listings are almost
 5 exclusively water column new listings. There are about
 6 half as many tissue and sediment listings. And then for
 7 the delistings, the bulk are tissue and sediment
 8 delistings.
 9 Let me point out that for the delistings the
 10 reason that there are so many tissue and sediment
 11 delistings is because we did go through the 1998 303(d)
 12 list and where something had been listed for tissue on
 13 the basis of elevated data levels, we did propose those
 14 for delisting because State Board indicated that the
 15 EDLs were not a sufficient basis for listing a water
 16 body as impaired. So the bulk of the delistings were
 17 related to original listings that were bases on the EDLs.
 18 And in terms of total changes, we're talking
 19 about a total of 206 changes to the 303(d) delist, that
 20 new listings and delistings combined for a net change of
 21 34 additional listings over the 1998 list.
 22 Next.
 23 So just to give you a sense of the types of
 24 new listings that we have, the metals and bacteria were
 25 pretty much tied in terms of new listings. Nitrogen and
 26 its effects was pretty close in terms of third place. The
 27 salts were the next most frequent. We had a few new
 28 listings for pH. One new listing for sedimentation and

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1 then several others for trash, toxicity, and unnatural
 2 form and scum.
 3 For the sediment, tissue and benthic

4 community new listings, again really the tissue and
 5 sediment chemistry listings were almost tied in terms of
 6 the numbers. You can see that the contaminants that we're
 7 talking about were pretty similar: Chlordane, lindane,
 8 dieldrin, PCBs, and some of the same for sediment
 9 chemistry. We had a few new listings for benthic
 10 community degradation and also for sediment toxicity.
 11 Next.
 12 And then for delistings for the water column,
 13 we had three for D.o; two for boron; two toxicity, water
 14 column toxicity delistings; and one delisting for trash,
 15 that being the East Fork of the San Gabriel River which
 16 now has an improved TMDL, which allows us to delist it
 17 from the 303(d) list.
 18 For tissue, again the bulk of these are
 19 related to exceedances of EDOs. That's why they were
 20 originally put on the list. We're now removing those from
 21 the list and a few for sediment and one for benthic
 22 community degradation.
 23 Next.
 24 So to give you a summary of what this means
 25 in terms of our TMDL analytic units, we currently have 92
 26 TMDL analytic units in total under the consent decree.
 27 Basically what this would do is it would probably add
 28 eight new TMDLs analytic units based our proposed

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1 listings. And you can see there is one for Calleguas
 2 Creek, Ballona. There is one beach out on Catalina,
 3 Avalon Beach, that would now be listed for beach postings;
 4 San Gabriel River an additional trash listing.
 5 There's a tributary in the L.A. River that is
 6 listed for nitrate, and there is a nutrient TMDL for L.A.
 7 River already, but it focuses more on L.A. River itself;
 8 it doesn't really cover the area of the upper L.A. River.
 9 Santa Clara River salts, Los Cerritos Channel for sediment
 10 toxicity and some sediment chemistry, and then Ventura
 11 River for bacteria.
 12 And then finally I'd like to just go over the
 13 TMDL analytic units that would be removed based on the
 14 proposed delistings, and there's a total of 12 of these.
 15 And one is the San Gabriel River East Fork for the trash
 16 because of the fact that's an improved TMDL; and you can
 17 see the remainder of these in terms of the analytic unit
 18 numbers as well as the waterbodies that would be affected
 19 and the pollutants that were included under that TMDL
 20 analytic unit. So those would be the ones that would be
 21 removed.
 22 And as you can see there are quite a few that
 23 were smaller TMDL analytic units that just included one
 24 waterbody and one pollutant. And particularly Port
 25 Hueneme Harbor, there are three that would be proposed for
 26 delistings. That would eliminate three analytic units
 27 right there.
 28 Next slide and I think the final one.

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1 I'm sure you all will probably have questions
 2 about some of the data analysis, so I've included staff
 3 contacts for the various staff that worked on specific
 4 watersheds doing the data analysis. And we also have
 5 handouts with the staff contacts and phone numbers on the

6 table in the back. So I encourage you to pick one
7 of those up, and you can also call me. I notice I
8 didn't put my telephone number up there, but you are
9 welcome to call me. And you guys probably have my
10 telephone number from notices that have been sent out
11 anyway.
12 And that's pretty much all I had for the
13 presentation. And at this point we would like to open it
14 up for any questions that you have about the methodology
15 or specific listings as well as any comments that you
16 might have.
17 MR. BISHOP: And if you can come up and use the
18 microphone, or if you're sitting at the table, there are
19 microphones there that you can just touch and turn on,
20 so everybody can hear. State your name for the court
21 reporter, so we can get who you are and who you
22 represent. That would be much appreciated.
23 Thank you.
24 MS. JORDAN: Stacy Jordan, California Department of
25 Public Works.
26 I just wanted the date that you wanted
27 comments to be turned in. You said that you would be
28 accepting comments and taking it to the Board. Do you

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1 have a date as of yet?
2 MS. DESHAZO: We haven't come up with a specific
3 date yet. The board meeting is on the 29th, if you would
4 like to comment before the board meeting. I realize
5 that's not much time, but we will probably be submitting
6 the
7 package up to the State Board shortly thereafter. I would
8 say certainly by the second week in the December so if you
9 can get comments to us by that time. And I don't actually
10 have a calendar right in front of me.
11 MR. BISHOP: Before the meeting is over, we'll get
12 you a date. We'll look at a calendar, and we'll set up a
13 date. So we'll be taking both written and verbal comments
14 up until and including at the board meeting on the 29th.
15 You are welcome after that date to make comments to the
16 State Water Resource Control Board directly.
17 MS. DESHAZO: Does anybody else have any questions
18 or comments?
19 MR. DOJIRI: I have a question.
20 MS. DESHAZO: Okay.
21 MR. DOJIRI: For the record my name is Mas Dojiri.
22 First name is spelled M-a-s. Last name is spelled D, as
23 in David, O-j-i-r-i. I would work for the City of Los
24 Angeles Bureau of Sanitation.
25 There are a number of, I guess, listing
26 guidelines or assessment guidelines that we use, for
27 example, the Benthic Index, the Sea Food Consumption
28 Advisory, and the Beach Closure Postings - I'm sorry -

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1 Beach Postings and Beach Closures. It's more of a
2 question than anything else because I don't know the
3 answer to it. I'm aware of several cases, several state
4 litigations, that involve, I think it's Western Carolina
5 as well as Sacramento.
6 And essentially in the Carolina case, they
7 use a trophic index, and the court ruling on that was that

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8 the water board or whatever the counterpart is in North
9 Carolina or South Carolina was that the trophic index was
10 used without going through the proper rule-making
11 authority in order to establish it as water a quality
12 standard, which is germane, of course, to the listing
13 process. And so the Court kicked that out or ruled that
14 out. And on top of it, I guess the judge declared it a
15 binding norm test, meaning that any states that have this
16 binding norm, I guess that ruling applies to those states.
17 I don't know if California is part of that or not.
18 But the question is, is it valid to use those
19 as water quality standards, the Benthic Index as well as
20 the Sea Food Consumption Advisory as water quality
21 standards when they haven't gone through the proper
22 rule-making authority? Could you address that please?
23 MR. BISHOP: I'll take a shot at that. The 305(b)
24 and 303(d) require us to assess the state of the
25 watersheds or waterbodies in our region. And they allow
26 us to use a number of criterion and best
27 professional judgment to make those decisions. What we
28 used was a series of well-recognized criteria, not

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1 regulations, to base our judgments. The final analysis
2 are judgments by staff on the quality and the assessment
3 of the watersheds.
4 MR. DOJIRI: I understand that that's how you did
5 it. My question is, is it valid?
6 MR. BISHOP: We believe so.
7 MS. SMITH: You know, we believe it. And not
8 having the details of the court case that you are
9 referring to, it's hard to tell what it is. It could be
10 that trophic index wasn't clearly an indicator, wasn't
11 linkable, you know, directly to the impairment like
12 obviously fish consumption is linked to that particular
13 use. Anyway, we can't comment further without the
14 details.
15 MR. DOJIRI: Would it help if I provided that
16 information to your - or do you want that information?
17 MS. SMITH: Sure, we'd love to see it; but as Jon
18 said, we're proceeding with what we think is proper
19 guidance from the folks we've been working with.
20 MR. DOJIRI: Yeah, I'm not so sure that - I'll
21 have to review the case myself, but I don't think it was
22 so much that the trophic index itself was faulty
23 scientifically. It's just that they hadn't gone through
24 the proper procedures to establish it as a water quality
25 standard. So anyway, I'll communicate that to Jon.
26 MS. SMITH: Okay. Thanks.
27 MR. DOJIRI: Uh-huh.
28 MS. DESHAZO: Anybody else?

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1 MR. BISHOP: Would it help if we took a 15-minute
2 break for people to take a few minutes to look at the
3 listings, so we don't feel on the spot? We're happy to
4 stay here and answer questions. I know that you just
5 received it prior to the meeting, so why don't we take 15
6 minutes, and then we'll see if anyone has any issues or
7 comments at that point. And then the court reporter
8 doesn't have to sit here waiting, and we don't have to sit
9 here staring at each other for 15 minutes. So why don't

10 we reconvene at five after 2:00, and then we'll see if
11 there are any specific questions that we can answer or
12 comments.

13 (recess)

14 MR. BISHOP: Let's reconvene to see if anyone has
15 any questions or comments that they would like us to try
16 to respond to at this time, or if not, you're welcome to
17 take the documents home with you. We'll let you keep them
18 this time. And then as I said, we'll be accepting both
19 written and oral comments until the 29th meeting. And the
20 State Water Resource Control Board will be hearing this in
21 the spring, and they will be sending out a solicitation
22 also at that point.

23 MS. DESHAZO: And also did everybody have a chance
24 to sign the sign-in sheet? I just want to make sure that
25 everybody is on there.

26 MR. BISHOP: And I think Renee wanted to make one
27 more comment.

28 MS. DESHAZO: Oh, yes.

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1 MR. BISHOP: And then we can all go home early.
2 MS. DESHAZO: I just wanted to clarify. In the
3 presentation that I gave, I mentioned that the assessment
4 period that we looked was July 1997 to the present, and
5 that was for water chemistry data and also bacteriological
6 data. But somebody came up and asked me during the break
7 about the sediment and tissue and bioaccumulation data.
8 We did go back and look at a longer time
9 period for that because of the fact that that doesn't
10 fluctuate as much. We essentially looked at where the
11 1996 water quality assessment left off, and we started at
12 that point and looked at data from that point forward. So
13 typically it was 1994 to 1998. There may have been some
14 exceptions to that, but that generally was the period that
15 we looked at for this data type.

16 MR. MC GOWEN: I have two questions.

17 MR. BISHOP: State your name.

18 MR. MC GOWEN: Oh, sorry. Gerald McGowen. I work
19 for the City of Los Angeles. Last name is M-c-G-o-w-e-n.
20 Most McGowens are a-n.

21 I have two questions. The first one is very
22 simple. I just want to ask a couple questions on these
23 sheets. They seem very nice to me. But they're only for
24 the new listings; is that correct?

25 MS. DESHAZO: That is correct. New listings or
26 proposed delistings.

27 MR. MC GOWEN: Okay. And there's not a similar
28 fact sheet for the previous -

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1 MS. DESHAZO: Or continued listings, no. What we
2 will be doing as a part of our 305(b) report is we will be
3 preparing some very detailed tables that look at all the
4 waterbodies we assessed. So those tables will include
5 information on some waterbodies that are not listed on
6 fact sheets, where we're essentially just continuing an
7 existing listing or we've done another assessment. And it
8 confirms that the waterbody should not be listed. So
9 those will be available and will be submitted as part of
10 our submittal to the State Board, but those are not
11 completed yet.

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12 MR. MC GOWEN: Okay. My second question has to
13 do with the NRT report, and I believe comments from
14 several groups questioned or suggested the use of both
15 action and preliminary lists. And it appears that
16 that's not being done.

17 Is that because you don't agree with that, or
18 is it just the time frame is such that - or is it here
19 and I'm missing it?

20 MS. DESHAZO: No, we did not use that approach.
21 Jon, do you want to respond to that at all?

22 MR. BISHOP: Well, the main reason is actually
23 timing on the issue. And we're not, you know,
24 philosophically opposed to it a watch list of some sort.
25 Right at this point, we couldn't redo our criteria to
26 take that into account for this listing cycle. I'm
27 hopeful that for the next listing cycle there will be
28 statewide requirements that we would then follow, and

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1 they would include that, and we would use that. Given
2 the timing, we couldn't make that change at this point.

3 MR. YOSHIDA: My name is Clayton Yoshida. I'm with
4 the City of Los Angeles. Last name is spelled
5 Y-o-s-h-i-d-a.

6 I noticed that some of your listings were
7 based on just two points of data. I was wondering if that
8 is - I'm pretty sure it's not based on a statistical
9 conclusion - just basically your best professional
10 judgment? And I guess what if other professionals might
11 disagree with using two?

12 MR. BISHOP: I think you're talking about toxicity;
13 is that correct?

14 MS. DESHAZO: It could be sediment or tissue.

15 MR. YOSHIDA: Right.

16 MR. BISHOP: There are a couple of issues related
17 to that. The toxicity data - jump in if I misstate this,
18 Renee - my understanding is that for toxicity data the
19 EPA's is more than one in three years it is listed as an
20 impairment, so we followed their guidance for toxicity.
21 For sediment toxicity for tissue, for
22 bioaccumulation, those in themselves are integrating
23 factors. They tend to take a long time period to gather
24 data, so that's why we used a less limited data set, you
25 know.

26 MS. DESHAZO: Yeah, in general we tried to use the
27 weight-of-evidence approach -
28 Michael, jump in if you need to.

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1 - but essentially as I stated earlier, we
2 tried when we could to use more than just one type of
3 data, so not just sediment chemistry or sediment toxicity
4 or bioaccumulation but when possible to use two or three
5 data types to make a listing. And I think as Jon said,
6 they tend to be things that don't fluctuate quite as
7 much, and so we felt like using a smaller number of
8 samples was appropriate.

9 MR. LYONS: Hi. My name is Michael Lyons. I'm the
10 environmental specialist on staff.
11 I think Renee stated this earlier. For
12 things like sediment toxicity and bioaccumulation data and
13 sediment chemistry data, we often don't have very many

14 data points for a given waterbody. And as Jon said, as we
 15 integrate effects if we found a hit for one of these
 16 measures, we try to take it pretty seriously. We tried to
 17 use the weight-of-evidence approach and not base listings
 18 on a single hit. So we did want to at least repeat
 19 sampling.
 20 And in most cases, it's based on fish tissue
 21 data. We really didn't have very much new sediment
 22 toxicity data because the bulk of that data came from the
 23 Bay Section Toxic Clean up program and most of that data
 24 had been included in the previous assessment. But I think
 25 there were a few instances where I may have added a
 26 listing for sediment toxicity if it didn't appear
 27 previously.
 28 But most of the listings were looking at

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1 sediment chemistry and tissue data. And I think as Renee
 2 said, we're trying not to list things solely on sediment
 3 chemistry because the guidelines that we use leave some
 4 room for error on whether or not there would be an effect.
 5 So we wanted to see sediment chemistry plus the biological
 6 effects to try to do listings. But if you find any
 7 specific listings that you feel you want to question or
 8 debate, feel free to comment or feel free to call me.
 9 MR. DOJIRI: Michael, I have a question pertaining
 10 to this. Mas Dojiri with the City of Los Angeles.
 11 I think that the criterion that you used was
 12 once in three years. And I think for chronic toxicity,
 13 the EPA's guideline was twice in six years. I know
 14 everybody is going to say Arithmetically they're the same,
 15 but operationally they can be quite different.
 16 In other words, in the first year you could
 17 have zero exceedances, and then in the next three years
 18 you could have two exceedances. So it allows a little bit
 19 more flexibility in the program, whereas once in three
 20 years is much more constrained.
 21 Was that modification on purpose, or was that
 22 inadvertence?
 23 MS. DESHAZO: Actually, you know, Mas, I think if
 24 you look at our 1996 water quality assessment, we used two
 25 and six years because we looked in '96 at a longer time
 26 period; but EPA's guidance actually does say once in three
 27 years, so it was EPA's once in three years -
 28 MR. DOJIRI: So I have it backwards.

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1 MS. DESHAZO: - and it was us who in '96 used the
 2 two in six years. And it's for the water column toxicity
 3 more than for the sediment and bioaccumulation data.
 4 MR. DOJIRI: Okay. Thanks for the clarification.
 5 MR. ORTON: Randal Orton with the Las Virgenes
 6 Municipal Water District.
 7 Looking at the fact sheets for the Malibu
 8 Creek Watershed, you list the tributary Cold Creek as
 9 impaired by algae using the criterion of Biggs, which is
 10 okay, but the sources for that are listed as nonpoint
 11 sources.
 12 I have two questions. One, a nonpoint source
 13 is what? And the second one - let's take one at a time.
 14 MS. DESHAZO: Well, in general - and, Rod, jump in
 15 if you want to - but in general for a lot of the fact

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16 sheets, we tried to put down potential sources when we
 17 could. A lot of times - we don't have enough data at
 18 this point to really create a firm linkage between known
 19 sources and the impairment.
 20 And so if we weren't sure of the peculiar
 21 source, then we put "non-point source" or "point source"
 22 for the time being, knowing that when we look into that
 23 impairment later on, we'll identify the actual sources
 24 that would be contributing to that.
 25 And, Rod, I don't know if you can jump in and
 26 say anything about that particular area of Cold Creek.
 27 Does that answer your question in general?
 28 MR. ORTON: It does. That's a good answer.

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1 I also want to give some information
 2 regarding sources.
 3 It is kind of an unconventional source but well worth
 4 looking at the sources of shade, sources of light. It
 5 is not commonly thought of but if you remove that
 6 vegetation and increase sunlight, it is not viewed as a
 7 nonpoint source in terms of those types of parameters.
 8 MS. DESHAZO: Right, and I think if I remember
 9 correctly that that fact sheet does note that there are
 10 some areas in Cold Creek without a lot of shading. And
 11 that's something that we actually did discuss among
 12 ourselves in the office related to that impairment.
 13 MR. ORTON: If I may, one more data source that may
 14 assist you. Jonathan Lillien recently completed a Ph.D.
 15 dissertation quantifying loss of riparian habitat showing
 16 a 50 percent reduction dating back to 1930 or so. You
 17 might consult that.
 18 MS. DESHAZO: Yeah, I'll get that reference from
 19 you after.
 20 MR. ORTON: Okay.
 21 MS. DESHAZO: Yes.
 22 MR. YOSHIDA: Clayton Yoshida, City of Los Angeles.
 23 On a related note I assume that the
 24 waterbodies you presented on May 31st, other than these
 25 changes, are still on the list -
 26 MS. DESHAZO: Yes, that's correct.
 27 MR. YOSHIDA: - for the same reasons as listed?
 28 I notice that in that list there are a lot of

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1 waterbodies that are listed, and the impairment is algae.
 2 Algae is not a pollutant. So will there be a change made
 3 when, for example, the column comes out, so that
 4 waterbodies are relisted, so that they're listed under a
 5 pollutant rather than a symptom such as algae?
 6 MR. BISHOP: I'll take that. When new guidance
 7 comes out for water quality assessment, we will follow
 8 that guidance. If that guidance requires us to
 9 reevaluate existing listings, that we will do. If it
 10 does not, we probably will not.
 11 We look at the algae in the particular
 12 circumstance which you brought up, we group that with
 13 nitrogen and its effects which include then the sources of
 14 pollutants and their effects. So we're not looking at it
 15 as an individual item by itself for the most part, we're
 16 looking at it grouped with nitrogen, nitrite, ammonia, pH,
 17 LDO. Those kinds of things are all grouped together with

18 algae and TMDL groupings that we've been doing. And then
 19 we look at does a reduction in the pollutant have an
 20 effect on - does the algae have an effect on that
 21 pollutant.
 22 MR. YOSHIDA: Do you look at the hydrological
 23 situation also as pollution rather than as a pollutant and
 24 then make a judgment as to whether or not it should be
 25 listed based that?
 26 MR. BISHOP: Do you mean by that, flow?
 27 MR. YOSHIDA: Flow or substrate, the concrete
 28 lining or substrate.

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1 MR. BISHOP: We did not list any of our waterbodies
 2 for flow or for concrete lining as an impairment. No. I
 3 mean there is an argument that you could make that the
 4 L.A. River has been impaired because it was lined with
 5 concrete, but we didn't list them for the concrete, no.
 6 MS. DESHAZO: Yes.
 7 MS. BAX: Beth Bax, B-a-x, from L.A. County
 8 Sanitation District.
 9 I had an e-mail recently that the national
 10 guidance on formulating the 303(d) list was released from
 11 the EPA. I know we haven't seen a copy of it, but I heard
 12 it was released last week. I heard, "Oh, it's coming in
 13 e-mail now." So I assume at this point, I know also
 14 nationally, that they were giving different states an
 15 extra six months to come up with their list; and I think
 16 last time I talked to you, you said that the State Board
 17 had not extended that invitation to us, and you guys were
 18 still due to get something within this fall.
 19 MS. DESHAZO: Right. That's correct.
 20 MS. BAX: So you're not going to be able to look at
 21 the national guide at all for this listing, are you?
 22 MS. DESHAZO: No, I don't believe so.
 23 I don't know if you want to respond to that
 24 in greater detail, Jonathan.
 25 MR. BISHOP: Well, my understanding is it hasn't
 26 come out finally yet. But it's supposed to come out any
 27 day, the final. We do not believe, since we need to have
 28 it turned in as of the end of October to the State Board,

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1 that we have time to actually redo essentially two to
 2 three months worth of staff time that we put in to do this
 3 one, to do that again.
 4 My understanding is that State Board is not
 5 going to then take all of our data and redo it either. And
 6 that's what we've conveyed to EPA, that it's just to late
 7 to making this listing cycle.
 8 MS. BAX: Do you know why the State didn't give us
 9 that six months, give you the six months?
 10 MR. BISHOP: Well, they didn't believe that
 11 they had enough time to really understand the new criteria
 12 and then redo everything and still get it to EPA in time
 13 if they took the six months. They didn't think that was
 14 enough time. That's my understanding.
 15 MS. BAX: And during your presentation, Renee, I
 16 think you said that secondary MCLs were thrown out.
 17 MS. DESHAZO: Well, we just didn't consider them in
 18 this listing cycle. So it's not that we're going back and
 19 looking at the previous listings that may have been based

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20 on that, but we did not use secondary MCLs.
 21 MS. BAX: And your official reasoning for that is
 22 that you guys are reevaluating the MUN or -
 23 MS. DESHAZO: Well, for potential MUN waterbodies
 24 designated under the source of this drinking water policy,
 25 we only looked at Title 22, primary MCLs. And the reason
 26 for just looking at the Title 22 instead of looking at
 27 Title 22 and CTR is because we're looking for a long-term
 28 policy to address those potential MUN waterbodies.

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1 The secondary MCLs were something that we
 2 just felt like there were other priorities in terms of
 3 looking at the primary MCLs and that those were more
 4 germane to listing as impaired.
 5 MS. BAX: Okay. Thanks.
 6 MR. ORTON: Randal Orton with Las Virgenes
 7 Municipal Water District.
 8 I have a couple of questions, and I apologize
 9 that I'm just reading this now, so this is a critique on
 10 the fly.
 11 On the beneficial uses affected for algae,
 12 you have listed rare and endangered species. Well,
 13 there's three that you have here that I'm puzzled on how
 14 the explanation for migration of aquatic organizations
 15 spawn reproduction and early development of rare and
 16 endangered species.
 17 On the rare and endangered species, the
 18 species that I know of that are aquatic would be the
 19 steelhead trout which is normally confined. So is it done
 20 on the basis if they could get there, they would be
 21 impaired; and if so, how? What's the nexus between algae
 22 and these impairments?
 23 MS. DESHAZO: We looked at - and I should have
 24 brought my basin plan with me. We generally looked at
 25 those existing and potential uses, so I'm not sure for
 26 Cold Creek if Cold is a potential beneficial use, but I
 27 think that it is. And so for algae we generally consider
 28 that any of the aquatic life beneficial uses designated

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1 for Cold Creek would be potentially affected by that
 2 impairment, so that was the reason for listing it.
 3 Rod, do you know - I hate to put you on the
 4 spot - but do you know if Cold Creek is listed as a
 5 potential for rare and endangered -
 6 MR. COLLINS: Rod Collins and, I'm on staff with
 7 the Regional Board.
 8 What I did is use the tributary rule. We
 9 didn't have Cold Creek detailed out in terms of beneficial
 10 uses, so I took the beneficial uses that were listed for
 11 Malibu Creek and then applied that to Cold Creek.
 12 MR. ORTON: Randal Orton. I apologize for
 13 continuing to pursue this.
 14 Assuming for the moment that it's not for
 15 potential habitat, but it's real habitat, say it were
 16 today, what would be the impairment from the algae
 17 listings according to Biggs here? And Biggs has
 18 30 percent of algae cover more than 10 percent of the
 19 time. Is there an analysis there, or how would that
 20 impact steelhead? What criterion are you using?
 21 MR. COLLINS: Well, I'm using the Biggs criteria

22' which was the 30 percent. Within the document that I
23 referenced, they did include an impairment to the benthic
24 microinvertebrae which the steelhead feed upon; and so
25 they included that as an impairment that would be
26 affected, as something that would be affected by greater
27 than 30 percent algae cover.

28 MR. ORTON: Thank you.

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1 MR. DOJIRI: Hi. My name is Mas Dojiri. I work for
2 the City of Los Angeles.
3 I think Beth alluded to the court case of
4 L.A. versus I, guess it's the Regional Board or the State
5 Board on MUN designation for the L.A. River Watershed. In
6 that court decision it was ruled in favor of the City of
7 Los Angeles.

8 What effect did that have on the 303(d)?

9 Were any waterbodies' pollutant combinations thrown out?

10 MR. BISHOP: You have to be more specific on that.
11 There are so many court cases between the City of
12 Los Angeles and the Regional Board, I'm not sure which one
13 you mean.

14 MR. DOJIRI: The particular MUN.

15 MR. BISHOP: The one that was just remanded to EPA;
16 is that correct?

17 MR. DOJIRI: I guess. I apologize. I don't have
18 the details. They haven't been communicated to us
19 officially.

20 MR. BISHOP: There was a court case where the judge
21 acted in the last couple of weeks that remanded the
22 decision back to EPA. And that's essentially where it
23 stands. The remand is still unclear. They're waiting for
24 the court transcripts.

25 But our understanding is that the remand says
26 that you either have to deal with the issue of potential
27 MUN; and one potential way you can deal with the EPA is to
28 allow the Regional Board Implementation Plan to stand.

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1 which says, "We want to impose more stringent effluent
2 limits until those waterbodies have been thoroughly
3 assessed," which is the way we were prior to CTR.
4 We assessed things based on that
5 understanding for the moment since it's very much in flux.
6 We believe that will be settled within the next two years
7 one way or the other, so the next listing cycle, if it's
8 that CTR and MUN applies, then we go back and reassess
9 some of these; and if they didn't, we will continue with
10 the MCL approach which is what we had in place prior to
11 CTR.

12 MR. DOJIRI: Okay.

13 MR. JIRIK: Andrew Jirik with the Port of
14 Los Angeles. Last name is J-i-r-i-k.

15 I'm curious as to whether data from the
16 contaminated sediment task force was used in the
17 assessment, and if not, why not?

18 Michael can answer that.

19 MS. DESHAZO: Yeah, Michael can probably answer
20 that.

21 MR. LYONS: Michael speaking. I'm not sure what
22 you mean by data from the task force, I guess. Do you
23 mean your own dredging data?

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24 MR. JIRIK: Well, data that's been compiled as part
25 of the CSTF efforts that might be more recent than
26 some of the Bay Protection data that was used.
27 MR. LYONS: Right. I haven't used that data
28 compilation because we haven't received that final product

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1 yet. Also, as Renee explained, because we are a few years
2 behind on getting some of our tissue data, most of the
3 data I looked at was no more recent than '98. But I
4 didn't look at your dredge reports specifically because
5 unless, you know, someone had submitted those and said
6 that they should be analyzed, I would have looked at them.
7 But I pretty much was relying upon the Bay Protection data
8 for sediment chemistry.

9 MR. JIRIK: And would the same apply for, say,
10 SCORPS BITE (phonetic) '98 data?

11 MR. LYONS: I did not look at the BITE '98 data
12 because that hasn't been released. I have access to it,
13 but it hasn't been released for public consumption yet;
14 so, no, I did not include that.

15 MR. JIRIK: Thanks.

16 MR. YOSHIDA: Clayton Yoshida with the City of
17 Los Angeles.

18 A question about the water effect ratios. I
19 heard Jon Bishop's opinion about water effect ratios being
20 applied to the nitrogen TMDL for L.A. River. I would like
21 to know in general what the policy is for water effect
22 ratios for the other pollutants.

23 MR. BISHOP: Is this one related to do we use any
24 in the 303(d) listing cycle?

25 MR. YOSHIDA: Have you used it in the listing?

26 MR. BISHOP: As far as I know there are
27 no water effect ratios completed in our region.

28 MR. YOSHIDA: And when those do become completed,
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1 will they be incorporated into the listing process?

2 MR. BISHOP: If a water effects ratio is completed
3 for a reach and a pollutant, then that would be used to
4 develop a specific objective for that region for that
5 pollutant. It would be directly germane to both
6 discharges and 303(d) listings because it would be a
7 modification of criteria for toxicity. But we're not
8 going to use those until they've actually been
9 finalized.

10 MR. YOSHIDA: Would you support wording in the TMDL
11 document for automatic application of the WDR?

12 MR. BISHOP: Sure. Would I support adding a water
13 effects ratio factor into the total maximum daily loads so
14 in case those were adopted, you could just apply that
15 ratio without making any change to the TMDL? I'm not
16 specifically opposed to that, but I'd have to look at the
17 specific issue to see how far along we are, where things
18 are happening to see if it makes sense for that TMDL.

19 MR. YOSHIDA: Okay.

20 MR. ORTON: Randall Orton. I have a question for
21 Rod. Using Biggs criteria, there is a change in the,
22 criteria, the old criteria within the 303(d) list.
23 They're compatible but different standards.
24 Have you applied Biggs criteria to other
25 remaining reaches in Malibu Creek Watershed, and if so,

26 are there any changes in these reaches?
27 MR. COLLINS: Rod Collins with the Regional Board.
28 Yeah, we applied Biggs criteria to all the reaches within

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1 the Malibu Creek Watershed. And Cold Creek was the only
2 new listing that we had. When looking at Malibu Creek,
3 the only difference was that we showed an impairment in
4 the winter as well as in the dry heat for algae.
5 MR. ORTON: For Cold Creek or the entire watershed?
6 MR. COLLINS: For Malibu Creek itself. We looked
7 at each tributary, and those, as I recall, were the only
8 changes based on using that criteria.
9 MS. DESHAZO: So essentially when we had the new
10 data, it confirmed the existing listings except for
11 Cold Creek which was the new listing.
12 MR. ORTON: If you have the Cold Creek listing
13 as a relatively short database, have you applied the Biggs
14 criteria to the preexisting database on the remaining
15 parts of the tributary to confirm that they are impaired
16 during the wintertime.
17 MS. DESHAZO: We did go back and look at the data
18 that was used in the 1996 assessment, if that's what
19 you're asking. I think that's what you're asking.
20 MR. ORTON: That's what I'm asking.
21 MS. DESHAZO: Okay. We only looked at data from
22 July 1997 to the present. That was the period of data
23 that we considered for this listing. So we didn't go and
24 reevaluate. I think Jon stated earlier we didn't go back
25 and reevaluate existing listings on the basis of the older
26 data that we used.
27 MR. BISHOP: Let me try another way. If we got new
28 data, which sounds like we did for Malibu and the

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1 tributaries, we applied the Biggs criteria to that data,
2 the only change that we had was for Cold Creek. If there
3 was an instance where we had no new data, we did not go
4 back and reevaluate an existing listing.
5 MR. ORTON: Okay. So then for the other existing
6 tributaries, there is data for the last three years or so?
7 MR. COLLINS: Pretty much, yeah.
8 MR. ORTON: Thank you.
9 MR. DOJIRI: Mas Dojiri, City of Los Angeles.
10 As you know, there are, I guess, three tiers
11 to the listing, if I'm not mistaken. One had to do with
12 policy of areas of special biological significance of
13 outstanding national resource plotter even though the
14 waterbody's attaining water quality standards if it drops
15 below a present status, that it might be listed.
16 Were there any waterbodies listed in the L.A.
17 region using that criterion?
18 MS. DESHAZO: I don't think so. We did look at the
19 waterbody specific objectives in the basin plan that are
20 in Table 3 of the basin plan, but no specific listings
21 based on antidegradation.
22 MR. DOJIRI: They were listed because they didn't
23 obtain water quality standards?
24 MS. DESHAZO: Yes.
25 MR. DOJIRI: Thank you.
26 MR. BISHOP: Just for the record, I'm going to add
27 to that that water quality standards are based on a number

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28 of criteria; one is supporting the beneficial use, and

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1 another is antidegradation. So there may well be listings
2 that are based solely on a water quality standard that was
3 based on maintaining a higher level, and that level may be
4 lower than what is needed what to support that beneficial
5 use, but it was set to maintain existing water quality.
6 MS. LAMBERSON: Heather Lamberson,
7 L-a-m-b-e-r-s-o-n, L.A. County Sanitation District.
8 In these fact sheets you included the data
9 assessment with the data summaries. If we need to view
10 all the supporting data regarding a specific listing, will
11 that be made available to us?
12 MS. DESHAZO: It will be. What we're planning to
13 do - and, Jon, jump in if you need to - is to take all
14 the data that we used in this update and probably put it
15 on a CD ROM, and ultimately we'll submit that data up to
16 State Board. And if it is something that you would like
17 to look at as well, we can make that available too.
18 MS. LAMBERSON: So that is not something that we'll
19 have available in time to make comments on November 29th;
20 correct?
21 MS. DESHAZO: Probably not.
22 MR. BISHOP: That is correct, you will not.
23 Looking at the listing, the official comments on the
24 listing are related to the State Board. We are providing
25 this opportunity for earlier comments so that we may be
26 able to answer some of the issues on how we assess
27 something.
28 If you have questions like you made a mistake

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1 in your math, or you used the wrong data set or you
2 applied this, you will have a lot of time to actually look
3 through that data and do that between the time we can get
4 to State Board; which will make available to everybody,
5 and I'm sure they will be happy to hear about areas where
6 we misapplied our criteria as opposed to areas where you
7 have questions on the criteria.
8 MS. LAMBERSON: Okay. So any comments regarding
9 like specific data should be directed towards the State
10 Board.
11 MR. BISHOP: Yeah, just because we're not going to
12 have them available for you in time, but we would be happy
13 to take them.
14 MS. LAMBERSON: Okay. Thanks.
15 MR. BISHOP: Of course, we don't make mistakes
16 ever.
17 MS. LAMBERSON: Neither do we.
18 MR. DOJIRI: Mas Dojiri with the City of
19 Los Angeles.
20 And I guess the other point is that it's not
21 really that critical because at the public hearing, if I
22 understood you correctly, that's an information only and
23 not an action item that the Board needs to take. So the
24 real action, the adoption of it, is going to be at State
25 level anyway. So it sounds like we are going to have
26 access to that data in time when it really counts.
27 MR. BISHOP: That's correct. This round of the
28 303(d) list is being officially adopted as a statewide

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1 list and not a region-by-region list as in the past. We
2 are bringing it to our board and to this public meeting as
3 an information and service and not as a regulatory action.

4 MS. FOLEY: I have a question.
5 How do you envision the State Board having a
6 public hearing if people come from all over the state to
7 make a comment on something? Will each of the regional
8 boards have their people there so that if somebody from
9 the central coast has a comment, I mean, how are they
10 going to get the interplay of explanation from the local
11 regions that did the work? I can't even envision that
12 kind of meeting.

13 MR. BISHOP: I'm assuming that they're going to
14 have a couple of days of workshop where they will invite
15 regional board representatives to be there to help answer
16 the questions related to each of the regional listings.
17 They have not given us any indication on how they are
18 going to structure the hearing for this if the State Board
19 does any modifications to the list on their own.

20 MS. FOLEY: I think that I, in some form, ask that
21 they would entertain coming to the Southland, you know, to
22 do the Southern California regions down south. I mean,
23 you'll probably have some input. They'll probably ask
24 you, you know, "Do you have any suggestions as to how to
25 run this?" You might want to have a Southern California
26 workshop and then have some blocks of time for each
27 region, so it's not all over the map.

28 MR. BISHOP: I think that's a great idea. I think
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1 that San Diego for a week or so in February would be a
2 really good time for us to do this.

3 MS. FOLEY: I'll write a comment.

4 MR. BISHOP: No. I think that makes a lot of
5 sense. They haven't actually asked our opinion at this
6 point. I'm not sure if they actually decided how they are
7 going to run that shop.

8 MR. YOSHIDA: Clayton Yoshida, City of Los Angeles.
9 I notice that you have some impairments based
10 on dissolved metals. And I was wondering if that's based
11 on dissolved metals as tested, or was there some results
12 that you used from total analysis and then you applied a
13 factor to determine what the dissolved concentration would
14 be and then determined whether or not it was impaired?

15 MS. DESHAZO: I think - and other people jump in
16 if you need to - but I'm pretty sure in all cases we
17 actually used dissolved measurements so that the actual
18 dissolve that was given to us was in the dissolved form.
19 Does anybody need to correct me on that?

20 MR. COLLINS: There was an instance in the
21 San Gabriel watershed when we only had total copper data,
22 and then we applied a factor to get it dissolved.

23 MS. DESHAZO: Okay. Did anybody have a situation
24 like that that I should know?
25 So that may have been the only one.

26 MR. YOSHIDA: Clayton Yoshida with the City of
27 Los Angeles. I believe they only submitted a total. I
28 could be wrong, but that's my belief.

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1 MS. DESHAZO: Okay. Well, we can check into that.

2 MR. YOSHIDA: Okay. Thanks.

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3 MS. BAX: Will that be in the CD ROM? Will it be
4 included that you were taking total data and applying a
5 factor?

6 MR. COLLINS: I can make sure that it's included.

7 MR. BISHOP: I think it might be helpful. It seems
8 like at least a number of people here are going to want to
9 take a look at that CD ROM when we produce it with the
10 data set. The way that we organized the data was all the
11 data that was submitted, the data that we were be able to
12 enter into our system or samples that we collected - this
13 is water chemistry to start with - was then split into
14 watersheds; and each of those watersheds was then split
15 into specific reaches and then assessed against the
16 different criteria by those reaches. So the data sets
17 that you have will be broken down by waterbody and
18 watershed for the water chemistry that is a little less
19 specific for the sediment in the toxicity; because they're
20 not big data sets of, you know, hundreds of thousands of
21 points for each waterbody. They are smaller, and we can
22 handle them a little easier.

23 MR. DOJIRI: Mas Dojiri, City of Los Angeles.
24 This is my last question. So you have to
25 bear with me on this one.

26 I have a question about the threatened
27 waterbodies. In a Regional Board presentation - I
28 believe it was October 16th of this year - you didn't

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1 have threatened waterbodies listed as something we would
2 be looking at in the listing.

3 Was that an inadvertent error on your part or
4 omission, I guess; and if so or if not, whatever, are
5 there any waterbodies in the Los Angeles area that are
6 listed because of threatened - because, you know, there
7 is a huge issue on that. There's a lot of controversy on
8 listing threatened waters.

9 MS. DESHAZO: I'd have to go back and look at the
10 SCALP presentation to actually see how I presented that,
11 but we do have some listings for fully supporting
12 but threatened waterbodies. I think it's only in the case
13 of waterbodies that are designated as MUN.

14 And specifically if you remember in my
15 presentation, I indicated that for MUN beneficial use if
16 the criteria was exceeded in more than 10 percent of
17 samples, we listed it as fully supporting but threatened.

18 And it was considered partially supporting if the
19 contaminants exceeded the median value.
20 So we used a slightly different approach for
21 the MUN, and that was based on taking EPA 305(b)
22 guidance and interpreting it somewhat. They don't have
23 very clear guidelines as they do for some others for the
24 drinking water use. So, again, we have a lot of
25 waterbodies that are designated as potential, and we felt
26 like this was an appropriate way to look at those. As I
27 mentioned in my presentation, fully supporting but
28 threatened is still considered impaired per 305(b) and

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1 303D.

2 MR. MC GOWEN: Gerald McGowen, City of Los
Angeles.

3 The list will be adopted at the state level

4 and not here. And what we have now are our draft
 5 documents. Will we be receiving the final proposal from
 6 the Regional Board or from the State, and will we be
 7 receiving those, you know, how much in advance? Will it
 8 be sort of like this, you know, at the actual hearing,
 9 or will we have 30 days or something like that to review
 10 them?
 11 MR. BISHOP: You will receive the official list
 12 that the State Board is going to adopt from the State
 13 Board. We are making recommendations to State Board staff
 14 on what we believe are new impairments and impairments
 15 that should be removed from the 303(d) list. And we're
 16 doing a 305(b) water quality assessment of all our waters.
 17 That is our recommendation. They may make modifications
 18 to that, so I wouldn't count on anything coming out of our
 19 staff as being final.
 20 When we make it available to State Board as
 21 soon as we can get it finalized, we will make it available
 22 to anyone who wants a copy of the data and the final
 23 sheets. The changes on the sheets are essentially now at
 24 this point correct in typos and making sure there aren't
 25 any things that were applied to the wrong - you know, cut
 26 and pasted in the wrong place. But the listings that
 27 we're proposing are pretty firm at this point.
 28 Unless anyone wants a couple more minutes,

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1 I suggest -
 2 MR. JIRIK: Andrew Jirik, Port of Los Angeles.
 3 I notice that in at least a couple of cases,
 4 there are data that are from '93 to '96, let's say, that I
 5 would think would have been available for the '98 listing.
 6 And in these couple of cases, I don't see any more recent
 7 data. My question is, if those data were available for
 8 the '98 consideration, why weren't those impairments
 9 noticed then? Or maybe I'm just missing something out of
 10 the process.
 11 MS. DESHAZO: Well, let me make one point about the
 12 1998 water quality assessment. When we did the assessment
 13 in 1998, it was a targeted assessment. We didn't look at
 14 the whole region. It was focused primarily on Calleguas
 15 Creek and Santa Clara Watershed.
 16 So there in the '98 assessment that data may
 17 have been available, but it wasn't looked at because we
 18 focused on a subset of the watershed, so the last
 19 comprehensive region-wide assessment that we had done
 20 was
 21 in the 1996. And it could be - and, Michael, you might
 22 be able to respond to some of this - it could be that
 23 some of that data might not have gone through the QAQC
 24 procedures in time to be included in the 1996 assessment
 25 which was really being prepared in 1995. So if you back
 26 up, that's probably the explanation.
 27 MR. LYONS: Yeah, I think, Andrew, that's pretty
 28 much what happened. What I try to do is look at the
 background information from the 1996 assessment. In most

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1 cases that's data through '93 or '94. But if I saw
 2 something that didn't appear there, I went ahead and added
 3 it into this assessment. So sometimes the data fluctuate.
 4 If I couldn't explain why something was assessed before, I

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5 went ahead and included it in this.
 6 MR. JIRIK: Thanks.
 7 MS. BAX: In that court case that Mas brought up
 8 earlier, that they thought I brought up, if the remand
 9 becomes clear and you can go back to using potential MUN
 10 language that you used before EPA's decision, were you
 11 saying that you would then take out listings that were
 12 based strictly on CTR limits?
 13 MR. BISHOP: There are no listings based on CTR for
 14 MUN. We did not use the MUN, CTR levels in the
 15 assessment.
 16 MS. DESHAZO: It's only aquatic life that's based
 17 on CTR.
 18 MS. BAX: Okay. Thanks.
 19 MR. BISHOP: I assume that if that court case was
 20 determined that - if the final analysis in the next two
 21 years is that CTR, MUN applies, then we would take and
 22 apply the data at that point.
 23 MS. BAX: So for now for MUN, for potential MUN,
 24 you're just applying primary MCL?
 25 MR. BISHOP: That's correct.
 26 Well, I'd like to thank everyone for taking
 27 the time this afternoon to join us. Look at our fact
 28 sheets. As I said, we will be having a public hearing no

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1 earlier than 1:00 o'clock on the 29th.
 2 MS. BAX: It says 1:30 on your website.
 3 MR. BISHOP: No earlier than 1:30 on the 29th.
 4 MR. DOJIRI: Is that here?
 5 MR. BISHOP: I do believe that's in Pasadena.
 6 MS. DESHAZO: Actually, no, I meant to make this
 7 announcement. The location has been changed, and the
 8 latest I've heard that it's here, not in Pasadena.
 9 (Meeting concluded at 3:04 p.m.)

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Look-See Concordance Report

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DATES ON

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